

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

PAUL C. THOMPSON, JR.,)
Plaintiff,) Case No. 7:20-cv-00454
)
v.)
C/O SEXTON, et al.,) By: Michael F. Urbanski
Defendants.) Chief United States District Judge
)

MEMORANDUM OPINION

Plaintiff Paul C. Thompson, Jr., proceeding pro se, filed this civil action under 42 U.S.C. § 1983 while he was incarcerated within the Virginia Department of Corrections. On February 18, 2022, the court received a notice of change of address from Thompson, which indicated that he had been released from incarceration. Consequently, by order entered February 22, 2022, the court advised Thompson that he was no longer able to pay the filing fee in installments from his prison account, as required by 28 U.S.C. § 1915(b). The court directed Thompson to pay the entire filing fee or otherwise respond to the order within ten days.* The order warned Thompson that “[f]ailure to pay the fee in full or otherwise respond . . . within the time allowed . . . shall result in the immediate dismissal of this action without prejudice.” Order, ECF No. 44.

By order entered April 14, 2022, the court directed the Clerk to send Thompson another copy of the February 22, 2022 order, after the original copy was returned as undeliverable. The April 14, 2022 order provided that Thompson “shall comply with the February 22, 2022 order (ECF No. 44) within ten days.” Order, ECF No. 51. Thompson

* The order was accompanied by an application to proceed in forma pauperis.

was advised that “failure to comply within the time allowed will result in the dismissal of this action without prejudice.” Id.

As of this date, Thompson has not paid the filing fee, applied to proceed in forma pauperis, or had any further communication with the court regarding this action. He has not complied with the court’s previous orders and the time for doing so has expired. Accordingly, the court will dismiss the action without prejudice. See Ballard v. Carlson, 882 F.2d 93, 95–96 (4th Cir. 1989) (recognizing that courts have the authority to order dismissal of an action for failure to comply with court orders, and finding that dismissal was appropriate where the pro se litigant disregarded a court order despite being warned that failure to comply would result in dismissal).

An appropriate order will be entered.

Entered: May 9, 2022



Michael F. Urbanski
Chief U.S. District Judge
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Michael F. Urbanski
Chief United States District Judge